

approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

(19) Rail and motor carriers must comply with 49 CFR 1572.9 and 49 CFR 1572.11 to the extent those regulations apply, when transporting Class 1 materials.

(20) No person may offer an IM or UN portable tank containing liquid hazardous materials of Class 3, PG I or II, or PG III with a flash point less than 100 °F (38 °C); Division 5.1, PG I or II; or Division 6.1, PG I or II, for unloading while it remains on a transport vehicle with the motive power unit attached, unless it conforms to the requirements in § 177.834(o) of this subchapter.

[Amdt. 171-111, 55 FR 52473]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.12a, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 171.14 Transitional provisions for implementing certain requirements.

*General.* The purpose of the provisions of this section is to provide an orderly transition to certain new requirements so as to minimize any burdens associated with them.

(a) *Previously filled packages*—(1) *Packages filled prior to October 1, 1991.* Notwithstanding the marking and labeling provisions of subparts D and E, respectively, of part 172, and the packaging provisions of part 173 and subpart B of part 172 of this subchapter, a package may be offered for transportation

and transported prior to October 1, 2001, if it—

(i) Conforms to the old requirements of this subchapter in effect on September 30, 1991;

(ii) Was filled with a hazardous material prior to October 1, 1991;

(iii) Is marked “Inhalation Hazard” if appropriate, in accordance with § 172.313 of this subchapter or Special Provision 13, as assigned in the § 172.101 table; and

(iv) Is not emptied and refilled on or after October 1, 1991.

(2) *Non-bulk packages filled prior to October 1, 1996.* Notwithstanding the packaging provisions of subpart B of part 172 and the packaging provisions of part 173 of this subchapter with respect to UN standard packagings, a non-bulk package other than a cylinder may be offered for transportation and transported domestically prior to October 1, 1999, if it—

(i) Conforms to the requirements of this subchapter in effect on September 30, 1996;

(ii) Was filled with a hazardous material prior to October 1, 1996; and

(iii) Is not emptied and refilled on or after October 1, 1996.

(b) *Transitional placarding provisions.* Until October 1, 2001, placards which conform to specifications for placards in effect on September 30, 1991, or placards specified in the December 21, 1990 final rule may be used, for highway transportation only, in place of the placards specified in subpart F of part 172 of this subchapter, in accordance with the following table:

PLACARD SUBSTITUTION TABLE

Hazard class or division No.	Current placard name	Old (Sept. 30, 1991) placard name
Division 1.1 .....	Explosives 1.1 .....	Explosives A.
Division 1.2 .....	Explosives 1.2 .....	Explosives A.
Division 1.3 .....	Explosives 1.3 .....	Explosives B.
Division 1.4 .....	Explosives 1.4 .....	Dangerous.
Division 1.5 .....	Explosives 1.5 .....	Blasting agents.
Division 1.6 .....	Explosives 1.6 .....	Dangerous.
Division 2.1 .....	Flammable gas .....	Flammable gas.
Division 2.2 .....	Nonflammable gas .....	Nonflammable gas.
Division 2.3 <sup>1</sup> .....	Poison gas .....	Poison gas.
Class 3 .....	Flammable .....	Flammable.
Combustible liquid .....	Combustible .....	Combustible.
Division 4.1 .....	Flammable solid .....	Flammable solid.
Division 4.2 .....	Spontaneously combustible .....	Flammable solid.
Division 4.3 .....	Dangerous when wet .....	Flammable solid W.
Division 5.1 .....	Oxidizer .....	Oxidizer.
Division 5.2 .....	Organic peroxide .....	Organic peroxide.
Division 6.1, (inhalation hazard, Zone A or B) <sup>1</sup> ...	Poison inhalation hazard .....	Poison.

PLACARD SUBSTITUTION TABLE—Continued

Hazard class or division No.	Current placard name	Old (Sept. 30, 1991) placard name
Division 6.1, PG I (other than Zone A or B inhalation hazard), PG II, or PG III.	Poison .....	Poison.
Class 7 .....	Radioactive .....	Radioactive.
Class 8 .....	Corrosive .....	Corrosive.
Class 9 .....	Class 9 .....	(none required).

<sup>1</sup> For materials poisonous by inhalation, by all modes of transportation, until October 1, 2001, placards may be used that conform to specifications for placards (1) in effect on September 30, 1991, (2) specified in the December 21, 1990 final rule, or (3) specified in the July 22, 1997 final rule.

(c) *Non-specification fiber drums.* A non-specification fiber drum with a removable head is authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation for which the packaging was authorized under the requirements of part 172 or part 173 of this subchapter in effect on September 30, 1991. This authorization expires on the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials), for fiscal years beginning after September 30, 1997. Information concerning this funding authorization date may be obtained by contacting the Office of the Associate Administrator.

(d) A final rule published in the FEDERAL REGISTER on July 31, 2003, effective October 1, 2003, as amended in a final rule published in the FEDERAL REGISTER on June 22, 2004, effective June 22, 2004, resulted in revisions to this subchapter. During the transition period, until October 1, 2004, as provided in paragraph (d)(1) of this section, a person may elect to comply with the applicable requirements of this subchapter in effect on September 30, 2003.

(1) *Transition dates.* The effective date of the final rule published on July 31, 2003 is October 1, 2003 and the effective date of the final rule published on June 22, 2004 is June 22, 2004. Delayed compliance is authorized until October 1, 2004. Unless otherwise specified, on October 1, 2004, all applicable regulatory requirements adopted in these final rules must be met.

(2) *Intermixing old and new requirements.* Marking, labeling, placarding, and shipping paper descriptions must conform to either the old requirements of this subchapter in effect on Sep-

tember 30, 2003, or the new requirements of this subchapter in this final rule without intermixing communication elements, except that intermixing is permitted during the applicable transition period for packaging, hazard communication, and handling provisions, as follows:

(i) If either shipping names or identification numbers are identical, a shipping paper may display the old shipping description even if the package is marked and labeled under the new shipping description;

(ii) If either shipping names or identification numbers are identical, a shipping paper may display the new shipping description even if the package is marked and labeled under the old shipping description; and

(iii) Either old or new placards may be used regardless of whether old or new shipping descriptions and package markings are used.

(3) Until October 1, 2003, the KEEP AWAY FROM FOOD labeling and placarding requirements in effect on September 30, 1999, may continue to be used in place of the new requirements for Division 6.1, Packing Group III materials.

(4) Until January 1, 2010, a hazardous material may be transported in an IM, IMO, or DOT Specification 51 portable tank in accordance with the T Codes (Special Provisions) assigned to a hazardous material in Column (7) of the §172.101 Table in effect on September 30, 2001.

(5) Proper shipping names that included the word “inhibited” prior to the June 21, 2001 final rule in effect on October 1, 2001 are authorized on packagings and shipping papers in place of the word “stabilized” until October 1, 2007. Proper shipping names that included the word “compressed” prior to

the final rule published on July 31, 2003 and effective on October 1, 2003 may continue to be shown on packagings and shipping papers until October 1, 2007.

(6) Section 172.202(a)(6) requires the number and types of packages to be indicated on shipping papers. Until October 1, 2007, a person may elect to comply with the requirements for the number and type of packages in effect on September 30, 2003.

(7) Except for transport by vessel, the non-mandatory shipping paper provision to include the subsidiary hazard class or division number in accordance with § 172.202(a)(2), in effect on September 30, 2003, is authorized until October 1, 2005.

(8) Until October 1, 2005, proper shipping names that did not identify specific isomers by numbers or letters preceding the chemical name prior to the final rule published on July 31, 2003 and effective on October 1, 2003, may continue to be marked on packagings and are authorized on shipping papers in place of the proper shipping names revised in the July 31, 2003 final rule.

(e) A Division 6.2 label conforming to specifications in § 172.432 of this subchapter in effect on September 30, 2002, may be used until October 1, 2005.

(f) 49 CFR 175.33 sets out requirements regarding the availability of information for hazardous materials transported by aircraft. Until April 1, 2005, a person may elect to comply with either the applicable requirements of 49 CFR 175.33 in effect on September 30, 2003, and contained in 49 CFR Part 175 revised as of October 1, 2002, or the requirements of that section contained in 49 CFR Part 175 revised as of October 1, 2003. On April 1, 2005, all applicable regulatory requirements in 49 CFR 175.33 in effect on October 1, 2003 must be met.

[Amdt. 171-131, 59 FR 67406, Dec. 29, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.14, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 171.15 Immediate notice of certain hazardous materials incidents.**

(a) At the earliest practicable moment, each carrier who transports haz-

ardous materials (including hazardous wastes) shall give notice in accordance with paragraph (b) of this section after each incident that occurs during the course of transportation (including loading, unloading and temporary storage) in which—

(1) As a direct result of hazardous materials—

- (i) A person is killed; or
- (ii) A person receives injuries requiring his or her hospitalization; or
- (iii) Estimated carrier or other property damage exceeds \$50,000; or
- (iv) An evacuation of the general public occurs lasting one or more hours; or

(v) One or more major transportation arteries or facilities are closed or shut down for one hour or more; or

(vi) The operational flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material; or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of infectious substances; or

(4) There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; or

(5) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the National Response Center even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

(b) Except for transportation by aircraft, each notice required by paragraph (a) of this section shall be given to the National Response Center by telephone (toll-free) on 800-424-8802. Notice involving shipments transported by aircraft must be given to the nearest FAA Regional or Field Security Office by telephone at the earliest practical moment after each incident in place of the notice to the National Response Center. Notice involving infectious substances may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232-0124, in place of the notice to the Department or (toll call)